

# TAFE COMMISSION OF NSW ADMINISTRATIVE, SUPPORT AND RELATED EMPLOYEE ENTERPRISE AGREEMENT 2016



Transition to new classification structure and conditions

# Implementing the Enterprise Agreement

## Overview

The *TAFE Commission of NSW Administrative, Support and Related Employees Enterprise Agreement 2016* covers all TAFE NSW staff employed in administrative, support and related roles.

The Enterprise Agreement commenced operation on 15 August 2016 and operates until 22 June 2019.

Pay increases of 2.5% over the three year period have been incorporated with the first increase effective and paid from 1 July 2016.

The Agreement provides for the introduction of a new Contemporary Classification Structure (CCS) and new or modified changes to conditions of employment. These changes will be implemented from 13 January 2017.

## Contemporary Classification Structure (CCS)

The CCS has been developed to deliver a single salary structure and consistent employment conditions.

The new classification structure consists of three work streams:

- **Learning and Business Support Stream** which includes positions that support teaching and learning. All employees in this stream are called TAFE Workers.
- **Library Stream** which includes positions that deliver library services.
- **Childcare Stream** which includes positions that deliver childcare services (not Early Childhood Director or Teacher positions).

## Contemporary Classification Structure (CCS)

Certain classifications have not been incorporated in the new structure:

- Senior Officer
- Clerk Grade 11/12
- Disability Assistant (casual)
- Sign Language Interpreter (casual)
- Examination Supervisor (casual)
- Artist Model (casual)

## Transition from current pay classification to TAFE Worker

Employees covered in the Learning and Business Support Stream will transition to the assigned TAFE Worker Level under the CCS on 13 January 2017.

- Each position/classification transitions to a level/pay rate equal to, greater than or less than their current position.
- Where the pay rate after transition is less than the rate currently received, the employee's pay rate will be protected.
- All positions created will be evaluated using Work Level Standards (WLS) to determine the appropriate level in the structure.
- Employees will have three months from 13 January 2017 during which time they may request a review of their particular transition.

## Protected Salary

Where an employee's current rate of pay is greater than the rate of pay they will transition to under the CCS, their current rate of pay will remain the same (protected salary level).

Affected staff will be eligible for further base pay increases once their existing salary surpasses their pay rate under the CCS.

Temporary employees will be treated the same as permanent employees for the purpose of the transition.

Rates of pay for employees on temporary appointments or receiving higher duties will transition to the new classification pay rate in the same way.

## Types of Employment

Employees may be engaged as either:

- Permanent Full-time or Part-time
- Temporary Full-time or Part-time
- Casual
- Part-year Permanent or Temporary Part-time

Employees engaged part-year prior to 2006 may continue to be engaged on a full-time part-year basis.

# Types of Employment

## Permanent

- Employed permanently and appointed to a permanent position within the TAFE Structure

## Temporary

- Employed on a temporary basis for the duration of a specified task or project.
- To carry out the duties of a temporarily vacant position
- To provide additional assistance in a particular work area
- Can be temporary full-time, part-time or part-year

## Casual

- Engaged on an irregular or intermittent basis
- Paid on an hourly basis
- Paid a loading to compensate for all leave other than LSL
- Minimum 3 hours per day, and overtime due after 9 hours per day (except Disability Classroom Support min 2 and max 8 hours per day)



## Types of Employment:

### Full-time

- A full-time employee means an employee who works 35 hours per week
- They will be either flex, rostered or standard workers

### Part-time

- Part time hours will not automatically be reduced for 38 hour a week staff
- Receive pro-rata entitlements based on full-time employees
- Additional hours worked by mutual agreement up to the normal full-time hours will be at the ordinary rate + 4/48th in lieu of annual leave or will be counted as Flex Time
- Overtime will only be paid if additional hours above 35 are directed

### Part-year

- Provides part-time support to education delivery for reduced weeks
- Engaged to work for minimum 36 week and maximum 44 weeks per year
- Periods not identified as working or annual leave are treated as non-attendance. No paid leave can be taken during a period of non-attendance
- Annual leave must be taken within a 12 month period but may be deferred to subsequent years by agreement (only for pay as you work arrangement)
- Option to elect 'Pay as you Work' or 'Annualised Salary'

## Flex Workers

The Agreement classifies flex workers as either full-time or part-time day workers or non continuous shift workers.

### Flex Workers

- The ordinary hours are 35 hours a week (full-time) managed over a four week cycle (pro rata for part-timers). Work can be flexibly scheduled.
- Bandwidth hours are 6am to 9pm. Option to work additional hours towards Flex Time to meet business needs.
- Can take up to 6 flex days within the 12-week settlement period
- Can carry forward 21 hours into the next flex period
- Banked time provisions have been removed
- Core hours have been removed and replaced with locally defined business operational hours

## Rostered Workers

The Agreement classifies Rostered Workers as an employee (full time or part time) who works in accordance with a roster as directed by the Employer

### Rostered Workers

- Must work an average of an additional 21 minutes per day to accrue Rostered Days Off (RDOs).
- Works in accordance with a roster as directed by TAFE.
- Required to commence work at a specific time and work for a defined period.
- The required 36 hours and 45 minutes per week can be rostered flexibly over the 5 days.
- Full-time rostered employees are entitled to 3 RDOs per 12 weeks.
- Depending on the finishing time of the roster employees may be entitled to a shift allowance.

## Standard Workers

The Agreement classifies Standard Workers as working set and regular hours of operation as determined by the employer.

### Standard Workers

- No additional hours are worked to accrue Flex Time or RDOs.
- Standard hours are set in consultation with the employee and manager to ensure operational requirements are met.
- Set and regular hours are based on the equivalent of the daily contract hours of 7 per day.

## Overtime

Payment for overtime will only be made where the employee is **directed** to work additional hours by their manager.

- Full-time employees will only be paid for directed overtime after 10 hours on a day or 35 hours in a week have been worked.
- Overtime rates for all employees will be:
  - **Monday to Friday** – time + ½ first 2 hours; double time thereafter
  - **Saturday** – time + ½ first 2 hours; double time thereafter
  - **Sunday** – double time for all hours
  - **Public holidays** – double time + ½ for all hours.
- Overtime for all staff, except seven day shift workers, will have a minimum payment of three hours for work done on Saturday, Sunday or public holidays.
- Part-time employees can elect to record additional hours on their flex sheet to accrue towards Flex Time or they can request to be paid mutually arranged additional hours at (ordinary + 4/48<sup>th</sup>). Only directed overtime above 35 hours will be paid at overtime rates.

## Shift Allowances

Shift allowances have been consolidated and have new definitions, mostly based on finishing times instead of starting times.

Shift Type	Criteria	Penalty Rates
Day	6am to 6:30pm	None
Morning	Commencing after 12am and before 6am	15%
Afternoon	Finishing after 6:30pm and at or before 12am	15%
Night	Finishing after 12am and at or before 6am	15%
Permanent Night (Not less than 4 consecutive weeks)	Finishing after 12am and at or before 6am	30%
Saturday	All ordinary work on Saturdays (min 3hrs)	50%
Sunday	All ordinary work on Sunday (min 3hrs)	100%
Public holidays	Ordinary work on a public holidays	150%

## Broken Shift

Broken shifts can only be undertaken by employees who deliver security services, requiring a security license.

- Maximum spread of hours between a broken shift is 12 hours
- Maximum unpaid break for employees working broken shifts is 5 hours

Broken shift allowances	Penalty Rates
<b>Broken shift</b>	Paid a daily amount specified in Schedule B, Item 5. This amount is inclusive of excess fare allowance. Employees receiving broken shift allowance are not entitled to other shift allowances except as listed below:
<b>Shift commences after 12am and before 6am</b>	15% paid for each hour worked between such hours
<b>Shift finishes after 7pm</b>	15% paid for each hour worked after 7pm

# Allowances

Have been consolidated and obsolete allowance removed or incorporated into new pay structure.

Type of allowance	Description
<b>Community Language</b>	Applicable to all employees
<b>Higher Duties</b>	Applicable to all employees
<b>Use of Private Motor Vehicle</b>	Applicable to all employees
<b>Broken Shift</b>	Applicable only to security employees
<b>Remote Area</b>	Payable to employees in remote areas
<b>Travel</b>	Applicable to all employees to be based on reimbursement of actual expenses
<b>Certified Supervisor</b>	Applicable only to Children's Centres employees
<b>Dirty Work</b>	Replaces dirty, noxious substances, confined spaces and chokage allowances
<b>First Aid</b>	2 levels - basic and occupational (security receive occupational)
<b>Height</b>	Replacing height, roof and towers allowances
<b>Overtime Meal</b>	Actuals will be paid when notice is not given
<b>Travel Assistance on Vacation</b>	Applicable to Broken Hill employees
<b>Tools</b>	Only payable to trades if TAFE does not provide tools
<b>Laundry</b>	Will be paid at a standard weekly rate if required to wear a uniform



## Reference materials

Facts sheets have been developed to provide further detail of the Enterprise Agreement in a concise easy to follow format for the following:

- Flex Workers including the Flexible Working Hours Agreement 2016
- Rostered (Shift) Workers
- Part-year Employment
- Contemporary Classification Structure
- Guide for Managers – providing an overview of all aspects of the Enterprise Agreement.

## Conclusion

Please visit the TAFE NSW intranet [Enterprise Bargaining page](#) to access a copy of:

- TAFE Commission of NSW Administrative, Support and Related Employees Enterprise Agreement 2016 Presentation
- Fact Sheets
- Frequently asked questions
- TAFE Commission of NSW Administrative, Support and Related Employees Enterprise Agreement 2016.

If you have any questions or require further support, please speak to your local People and Safety team.

